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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

20 pgs + 142
references

Application Number

10/028,174

Filing Date

December 20, 2001

First Named Inventor

Eric R. SCHUUR

Group Art Unit

1645

Examiner Name

To Be Assigned

Attorney Docket No.

397342000200

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement - 3
pages

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

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☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

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☒ Other Enclosure(s) (please identify
below):

- PTO Form 1449 - 8 pages
- 142 references with copy of 1449 (8
pages) affixed
- Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018

or

Individual Name

Catherine M. Polizzi, Registration Number 40,130

Signature

Date

April 16, 2002

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PATENT
Docket No. 397342000200

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In the application of:

Eric R. SCHUUR

Serial No.: 10/028,174

Filing Date: December 20, 2001

For: NON-DESTRUCTIVE CELL-BASED
ASSAY

Examiner: To Be Assigned

Group Art Unit: 1645

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**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

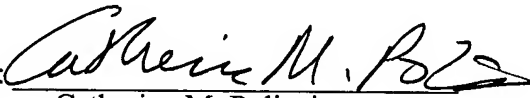
Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 397342000200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 16, 2002

Respectfully submitted,

By: 
Catherine M. Polizzi
Registration No. 40,130

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Form PTO-1449

Docket Number 397342000200

Application Number 10/028,174

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Eric R. SCHUUR

Filing Date December 20, 2001

Group Art Unit 1645

Mailing Date April 16, 2002

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	05/11/1993	5,210,015	Gelfand et al.			
	2.	09/20/1994	5,348,867	Georgiou et al.			
	3.	11/15/1994	5,364,783	Ruley et al.			
	4.	03/28/1995	5,401,629	Harpold et al.			
	5.	02/02/1999	5,866,344	Georgiou			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	6.	10/08/1998	WO 98/44350 A1	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

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Sheet 2 of 8

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Application Number 10/028,174

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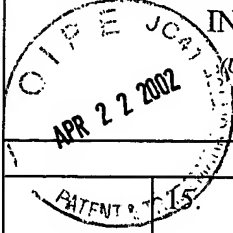
Applicant

Eric R. SCHUUR

Filing Date December 20, 2001

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Sheet 3 of 8

Form PTO-1449

TECH CENTER 1600/2900 INFORMATION DISCLOSURE CITATION IN AN APPLICATION

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Docket Number 397342000200

Application Number 10/028,174

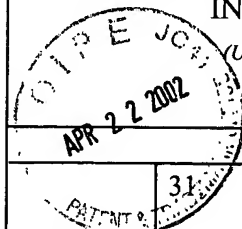
Applicant

Eric R. SCHUUR

Filing Date December 20, 2001

Group Art Unit 1645

Mailing Date April 16, 2002



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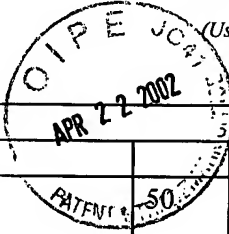
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Form PTO-1449		Docket Number 397342000200	Application Number 10/028,174
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant	
		Eric R. SCHUUR	
		Filing Date December 20, 2001	Group Art Unit 1645
		Mailing Date April 16, 2002	
			
		Curr Opin Biotechnol 7(2):190-197.	
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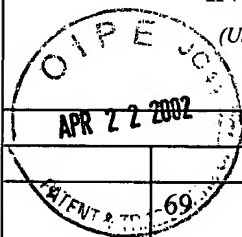
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